

EXHIBIT 1



Entered on Docket
May 13, 2008

A handwritten signature in black ink, appearing to read "R. B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE I-40
GATEWAY WEST, LLC 2ND LOAN**

Hearing Date: May 8, 2008

Hearing Time: 10:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Second Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the I-40 Gateway West, LLC 2nd Loan (the "Objection") [DE 6130].
4 Adequate notice of the Objection was given. The Court heard the Objection on May 8,
5 2008. No responses were filed to the Objection and no opposition was raised at the
6 hearing. Good cause appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
9 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
10 are based upon an investment in the I-40 Gateway West, LLC 2nd Loan. The
11 Proofs of Claim listed in Exhibit A are not affected by this order to the extent
12 they are based upon an investment in a loan(s) other than the I-40 Gateway
13 West, LLC 2nd Loan; and
14 • Reserving the right of any party in interest, including the USACM Trust, to
15 further object to the Proofs of Claim listed on Exhibit A attached.

16 #####
17 PREPARED AND SUBMITTED:
18
LEWIS AND ROCA LLP
19
By: /s/ RC (#0006593)
20 Susan M. Freeman
Rob Charles
John Hinderaker
21 *Attorneys for USACM Liquidating Trust*
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1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3 The Court waived the requirements of approval under LR 9021.
- 4 No parties appeared or filed written objections, and there is no trustee appointed
5 in the case.
- 6 No opposition was filed to the motion and no other party or counsel appeared at
7 the hearing.
- 8 I have delivered a copy of this proposed order to all attorneys and unrepresented
9 parties who have appeared at the hearing, and any trustee appointed in the case,
 and each has approved or disapproved the order, or failed to respond, as
 indicated below:

10

11 **LEWIS AND ROCA LLP**

12

13 By: /s/ RC (#0006593)
14 Susan M. Freeman
15 Rob Charles
16 John Hinderaker
17 *Attorneys for USACM Liquidating Trust*

I-40 GATEWAY WEST 2ND
SECOND OMNIBUS OBJECTION

EXHIBIT A
Multiple Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the I-40 Gateway West 2nd Loan
10725-00523	Dionisio A. and Fiola Fernandes	4001 Oak Manor Court Hayward, CA 94542-1445	\$244,646.92	\$35,215.70